

REC'D SEP 19

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption:

Winston I BANKS, Pro Se

COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION

Full name(s) of Plaintiff(s)

v.

Commonwealth of PENNA.

CIVIL ACTION  
NO. \_\_\_\_\_

Full name(s) of Defendant(s)

This action is brought for discrimination in employment pursuant to (check only those that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).  
*NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*
- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.  
*NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.*
- ☒ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.  
*NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*
- ☒ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

(Rev. 10/2009)

2022 SEP 19 PM 1:25  
USDC-EDPA REC'D CLERK

### **FORM 3 – MOTION TO PROCEED IN FORMA PAUPERIS (“IFP”)**

In order for the complaint to be filed, it must be accompanied by the filing fee of \$350 plus a \$52.00 Administrative Fee. If you are unable to pay the filing fee, you must file Form 3 – Motion to Proceed In Forma Pauperis with the complaint. On Form 3, you must provide an explanation for why you are unable to pay the filing fee. For example: “I am unemployed and have no money except unemployment compensation.” Or: “I earn \$\_\_\_\_ a week and must support a family of \_\_\_\_.”

The judge assigned to your case will decide whether to grant you permission to file your case in forma pauperis. If the judge grants you permission to proceed in forma pauperis, then the U.S. Marshal’s Office will serve copies of your complaint on the defendant(s). Therefore, you must give the correct name and address of each defendant.

If the judge does not grant permission to proceed in forma pauperis, then you must pay the \$350 filing fee. You then must arrange to serve the complaint on the defendant(s). The U.S. Marshal’s Office will **not** automatically serve the complaint for you if you are not granted in forma pauperis status.

### **FORM 4 – REQUEST FOR APPOINTMENT OF ATTORNEY**

If you desire to have an attorney and believe you are entitled to have one appointed, you should file Form 4 – Request for Appointment of Attorney. Attorneys are selected from the Plaintiff’s Employment Panel, as outlined in the enclosed Program Description. Please read this enclosure carefully.

You may obtain a copy of your investigative file. Federal employees may do so from the federal agency involved by calling that agency. Other employees can obtain a copy from the Equal Employment Opportunity Commission (EEOC) by writing to:

Fredricka Warren  
Christine Spriggs  
EEOC, Information Specialists  
801 Market Street, Suite 1300  
Philadelphia, PA 19107

When you have completed your forms, bring them or mail them to:

Clerk of Court  
United States District Court  
601 Market Street, Room 2609  
Philadelphia, PA 19106-1797

If you have any questions, you may call the Clerk’s Office at (215) 597-7704 and ask for the Pro Se Writ Clerk.

**NOTE:** You should keep a copy of the forms that you file for your records.

**NOTE:** In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

## I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: WINSTON BANKS, PRO SE  
 Street Address: P.O. BOX 13417 1720 E. WASHINGTON LANE  
 County, City: PHILADELPHIA  
 State & Zip: PENNSYLVANIA 19101  
 Telephone Number: 267-595-5792 or 267-456-5188

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: COMMONWEALTH OF PENNSYLVANIA  
 Street Address: 225 MAIN CAPITOL BLDG, OFC OF THE GOVERNOR  
 County, City: HARRISBURG  
 State & Zip: PENNSYLVANIA 17120  
 Telephone Number: 717-787-2500

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: \_\_\_\_\_  
 Street Address: EXHIBIT-A  
 County, City: \_\_\_\_\_  
 State & Zip: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

## II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (check only those that apply to your case):

☐ Failure to hire me  
☒ Termination of my employment  
☐ Failure to promote me

- ☒ Failure to reasonably accommodate my disability  
☐ Failure to reasonably accommodate my religion  
☐ Failure to stop harassment  
☐ Unequal terms and conditions of my employment  
☐ Retaliation  
☐ Other (specify): \_\_\_\_\_

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) APRIL, (day) 30, (year) 2022

C. I believe that the defendant(s) (check one):

- ☐ is still committing these acts against me.  
☒ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- ☒ race AFRO-AMERICAN ☐ color \_\_\_\_\_  
☐ religion \_\_\_\_\_ ☐ gender/sex \_\_\_\_\_  
☐ national origin \_\_\_\_\_

☒ age My date of birth is Sept 1, 1956 (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

EXHIBIT - B  
EEOC CHARGE NARRATIVE

**NOTE:** *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

**III. Exhaustion of Administrative Remedies:**

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: Nov 17, 2018 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Notice of Right to Sue Letter.  
☒ issued a Notice of Right to Sue Letter, which I received on 6/30/22 (Date).

**NOTE:** *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☒ 60 days or more have passed.  
☐ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: \_\_\_\_\_ (Date).

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

☒ One year or more has passed.  
☐ Less than one year has passed.

#### IV. Relief

**WHEREFORE**, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as (*check only those that apply*):

- ☐ Direct the defendant to hire the plaintiff.
- ☐ Direct the defendant to re-employ the plaintiff.
- ☐ Direct the defendant to promote the plaintiff.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☒ Direct the defendant to (*specify*): \_\_\_\_\_
- ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ☒ Other (*specify*): REPEAL THE "At Will" Employment LAW

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed this 19 day of Sept, 2022

Signature of Plaintiff  
Address

[Signature]  
1720 E. WASHINGTON LANE  
PHILADELPHIA, PENNA  
19138

Telephone number

267-595-5792

~~Fax number (if you have one)~~

WINSTONBANKS59@gmail.com

Commonwealth of Pennsylvania - Notary Seal  
Gerald J. Laughlin, Notary Public  
Philadelphia County  
My commission expires May 20, 2024  
Commission number 1092789  
Member, Pennsylvania Association of Notaries

## **EXHIBIT-A**

### **PENNDOT**

Bureau of Maintenance and Operations (BOMO)  
Transportation Technician  
907 Elmerton Avenue  
Harrisburg, PA 17110  
717-525-2998

### **YORK COUNTY PENNSYLVANIA**

Children, Youth and Families  
100 West Market St.  
York, PA 17401  
717-846-8496

## **EXHIBIT-B**

### **EEOC Charge Narrative**

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Winston James Banks

Home Phone (Incl. Area Code)

2675955792

Date of Birth

09/01/1956

Street Address

City, State and ZIP Code

P.O. Box 13417, Philadelphia PA 19101

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Commonwealth of Pennsylvania

No. Employees, Members

5+

Phone No. (Incl. Area Code)

7177872500

Street Address

City, State and ZIP Code

Ofc of the Governor, 225 Main Capitol Bldg, Harrisburg PA 17120

Name

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION



OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

08/02/2017

01/13/2022



CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Complainant is filing this action under the Federal Statute United States Code, Section 3282 of Title 18. Complainant initially was employed with the Commonwealth of Pennsylvania as a Transportation Tech. My duties involved operating State owned vehicles for the purpose of assisting the lead tech to collect road side data. The type vehicles used were panel vans, 1/2 ton pick up trucks and a 3/4 pick up. The job assignments had required the two man team to travel to the four corners of the Commonwealth.

The second position was that of the Case manager for the County of York in the agency of Children, Youth and Families. Administratively it was a 40 hour work week position that averaged over 50 hours per week. The position involved me traveling over the entire County of York Pennsylvania to service and monitor families in need of social services. Duties required that I visit the minor children schools to monitor their progress, conduct mandatory home visits to verify and monitor the safety and well being of the family members, conduct well being visits to family members not residing in the home. and connecting family members to County services for assistance when needed.

Both positions I was unjustly and unduly terminated in performance of my job. Regarding the Transportation Tech position I was and still am a licensed professional vehicle operator in possession of a Class B CDL license. This license was obtained while operating the City of Philadelphia transit Authority modes of transportation (SEPTA). The Case manager position I was qualified for with previous experience as a Case Manager with Lutheran Children and Family Service Philadelphia PA. I initially started as a PTO (Parent Truant Officer). Promoted to Truancy Case Manager then ARS (Alternative Response System) Case Manager.

Attachments are enclosed for further information.

Commonwealth of Pennsylvania - Notary Seal  
Damon A. Hollis, Notary Public  
Philadelphia County  
My commission expires September 30, 2024  
Commission number 1073519

Member, Pennsylvania Association of Notaries

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

April 30, 2022

Date

Charging Party Signature

NOTARY - When necessary for State or Local Agency Requirements

Philadelphia, Pennsylvania

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)

May 8, 2022

## **EXHIBIT-C**

### **Exhaustion of Administrative Remedies**

#### **PHRC**

York County Children, Youth and Family Services

Case No. 201606145

Date-February 20, 2018

#### **PENNDOT (BOMO)**

Transportation Technician

Case No. 201502047

Date-November 17, 2017



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Philadelphia District Office  
801 Market St, Suite 1000  
Philadelphia, PA 19107  
(267) 589-9700  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DISMISSAL AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 06/30/2022

**To:** Winston Banks  
P.O. Box 13417  
Philadelphia, PA 19101  
Charge No: 530-2022-04523

EEOC Representative and Legal Unit & Telephone Number 267-589-9707

### **DISMISSAL OF CHARGE**

The EEOC is closing this charge because your charge was not filed within the time limits under the law; in other words, you waited too long after the date of the alleged discrimination to file your charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 530-2022-04523.

On Behalf of the Commission:

A handwritten signature in blue ink, reading "Karen McDonough", is written over a horizontal line.

Karen McDonough, Enforcement Manager

**Cc:**

Human Resources  
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION  
RA-IEDLR@pa.gov

Anthony Reda  
Pennsylvania Department of Transportation  
areda@pa.gov

Monica A Mika  
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION  
mmika@pa.gov

Please retain this notice for your records.